AUG 23 2012

AO 243 (Rev. 5/85)

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT.
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Co	urt District	middle	District 10	SAL PE
Name of Movant KAMArio & Palmer	Prisone		Case No.	S C R
Place of Confinement FCI Coleman Med	131100	x-0 3 (11.08 61	00125
TOT CONTINUES INTER			<u> </u>	
UNITED STATES OF AMERICA	v. <u>14 m</u>		lmer	
		(name	under which convict	ed)
	MOTION			
1. Name and location of court which entered the j	dgment of conviction	n under attack	Middle Dis	trict of
2. Date of judgment of conviction 06/19/	09			·
3 Length of sentence of months,	Byears Supe	rvised re	leacect	
4. Nature of offense involved (all counts) 18!	9229			
				
		· · · · · · · · · · · · · · · · · · ·		
5. What was your plea? (Check one) (a) Not guilty (b) Guilty (c) Nolo contendere				
If you entered a guilty plea to one count or indicts	ent, and a not guilty i	plea to another o	ount or indictment	oive details:
Plea quilty for 922g	, , ,		ount or marounous,	Brvo dotano.
J				
If you pleaded not will, what his J. Caris J. J.	1 0.00			
If you pleaded not guilty, what kind of trial did you (a) Jury (b) Judge only	have? (Check one)			•
Did you testify at the trial? Yes □ No □ V//}		* .		
Did you appeal from the judgment of conviction? Yes Mo O				
			•	

). If you did appeal, answ	
(a) Name of court $\dot{m U}$	1.S. Courts of Appeals 4th Circuit
(b) ResultA-	frm
(c) Date of result $\frac{0}{2}$	5/03/10
o. Other than a direct app applications or motions Yes ☐ No ☐	peal from the judgment of conviction and sentence, have you previously filed any pe s with respect to this judgment in any federal court?
. If your answer to 10 wa	as "yes", give the following information:
(a) (1) Name of court .	N/A
(2) Nature of procee	eding N/A
(3) Grounds raised	_N/A
(5) 525 41145 141564	
(4) Did you receive a Yes □ No □	an evidentiary hearing on your petition, application or motion?
(5) Result	
	AIIA
(6) Date of result	
	tition, application or motion give the same information:
(1) Name of court	N/A
(2) Nature of proceeding	ing \/\A
(3) Grounds raised	N/A
·	

(5)	Result	N/	A			 						
(6)	Date of result _	N,	/A			· · · · · · · · · · · · · · · · · · ·						
	d you appeal, to a		ellate fe	deral co	urt having	jurisdictio	n, the re	sult of	action to	aken on	any pe	tition.
(1)	plication or motion First petition, etc. Second petition, e		Yes [Yes [□ 00 □	Alu							
If y	ou did not appeal f	from th	e advers	e action o	on any petit	tion, applica	tion or m	otion, ex	cplain br	iefly wh	iy you d	id not:
	N/	4								• .		
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12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.

 (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure. (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest. (e) Conviction obtained by a violation of the privilege against self-incrimination. (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
 (g) Conviction obtained by a violation of the protection against double jeopardy. (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled. (i) Denial of effective assistance of counsel. (j) Denial of right of appeal.
A. Ground one: Petitioner is actually innocent of his sentence
based on U.S. us Simmions Case NO.# 08-4475 (4th cir 08/17/11
Supporting FACTS (state briefly without citing cases or law) Retitioner is actually
innocent of his sentence, based on Simmions and the
court has Jurisdiction to hear this case.
B. Ground two: This court has Jurisdiction to hear this Case
based on title 28 U.S.C. Section 2255 (FY) and (F3)
Supporting FACTS (state briefly without citing cases or law): 15csect on the
retroactivity applicable to case of Simmons us U.S.
C. Ground three: N/A
Comment of the CTC (state Loi of the CTC)
Supporting FACTS (state briefly without citing cases or law):

Supporting FACTS (state briefly without citing cases or law): N/A Supporting FACTS (state briefly without citing cases or law): N/A If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not presented, and give your reasons for not presenting them: N/A 4. Do you have apy petition or appeal now pending in any court as to the judgment under attack? Yes \(\text{No DV} \) So Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attack herein: (a) At preliminary hearing John A. Duschbury JR. 301 N GLM St. Greensboro N. C. 27401 (b) At arraignment and plea John A. Duschbury JR. 301 W GLM St. Greensboro N. C. 27401 (d) At sentencing John A. Duschbury JR. (d) At sentencing John A. Duschbury JR.		
Supporting FACTS (state briefly without citting cases or law): N/A 3. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not presented, and give your reasons for not presenting them: 4. Do you have apy petition or appeal now pending in any court as to the judgment under attack? Yes \(\text{No} \(\text{No} \) 5. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attack herein: (a) At preliminary hearing \(\text{John A} \) (b) At arraignment and plea \(\text{John A} \) (b) At arraignment and plea \(\text{John A} \) (c) At trial \(\text{NY} \) (d) At sentencing \(\text{John A} \) (d) At sentencing \(\text{John A} \) (a) At sentencing \(\text{John A} \) (d) At sentencing \(\text{John A} \) (d) At sentencing \(\text{John A} \) (d) At sentencing \(\text{John A} \) (e) At sentencing \(\text{John A} \) (d) At sentencing \(\text{John A} \)		
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4. Do you have any petition or appeal now pending in any court as to the judgment under attack? Yes \(\sum \) No \(\sum \) 6. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacker herein: (a) At preliminary hearing \(\sum \) A. \(\sum \) \(\s	•	
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301 W ELM St. Greensbord N.C. 27401 (c)At trial N/A (d) At sentencing John A Dusenbury JR.	301	N 9LM St Greensboro N.C. 27401
(c)At trial N/A (d) At sentencing John A Du Sen Dury JR,	(b) At arraig	inment and plea John A Dusen bury JR.
(d) At sentencing John A Dusenbury JR,	301	N ELM St. Greensbord N.C. 27401
lacksquare	(c)At trial	N/A
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lacksquare	(d) At senten	cing John A Dusenbury JR.
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(f) In any post-conviction proceeding	(e) On appeal	IN A DUSON	Dury JR.		
(g) On appeal from any adverse ruling in a post-conviction proceeding Note: (a) Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court a approximately the same time? 7. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack Yes \(\text{Note} \) No \(\text{V} \) (a) If so, give name and location of court which imposed sentence to be served in the future: Note: Note:	301 N.	91m St Gre	ensboro, N	.C. 27401	
6. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court a approximately the same time? 7. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack Yes \(\) No \(\) \(\) (a) If so, give name and location of court which imposed sentence to be served in the future: (b) Give date and length of the above sentence: N/A (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? Yes \(\) No \(\) No \(\) Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding. Signature of Attorney (if any)	(f) In any post-convid	ction proceeding	Y A		
approximately the same time? Yes \(\) No \(\) No \(\) 7. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack Yes \(\) No \(\) (a) If so, give name and location of court which imposed sentence to be served in the future: \(\) \(\	(g) On appeal from	any adverse ruling in a r	ost-conviction proce	eeding N/A	
(a) If so, give name and location of court which imposed sentence to be served in the future: N	approximately the sam	n more than one count of e time?	an indictment, or on	more than one indictment,	in the same court and
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Signature of Attorney (if any) declare under penalty of perjury that the foregoing is true and correct. Executed on S/16/12 (date) Manual M	served in the future?		any petition attacking	the judgment which impos	sed the sentence to be
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16/12 Manany James		•		Signature of Attorney	(if any)
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Signature of Movant	' '		- V Junu	Signature of Mov	ent .